

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN RE: BDC GROUP, INC., Debtor.	Case No. 23-00484 APPLICATION FOR ATTORNEYS' FEES
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Keystone Savings Bank (“Bank”) submits its application for attorneys’ fees pursuant to [Federal Rule of Bankruptcy Procedure 7054](#), which is made applicable by [Federal Rule of Bankruptcy Procedure 9020](#) and [9014\(c\)](#) and incorporates in relevant part [Federal Rule of Civil Procedure 54\(d\)\(2\)](#):

1. The Bank requests an award of attorneys’ fees under [Federal Rule of Civil Procedure 54\(d\)\(2\)](#) for the attorneys’ fees incurred in obtaining an order of contempt against Zayo Group, LLC This motion is timely because it is filed “no later than 14 days” after the October 2, 2024 contempt order. [Fed. R. Civ. P. 54\(d\)\(2\)\(B\)\(i\)](#); [Doc. 538](#), Order (Oct. 2, 2024).

2. The Court held Zayo in contempt for failing to comply with the Court January 24, 2024 Stipulated Order commanding Zayo to pay the bankruptcy estate \$243,317.51, among other amounts. [Doc. 538](#). As stated in the contempt order, the Stipulated Order is “definite and specific” regarding Zayo’s obligations to pay. *Id.* Despite that, the order found that “Zayo knew of these obligations and disregarded them.” *Id.* at 7. And Zayo’s attempts to claim recoupment as a defense to violating the Stipulated Order failed, not least because there is “no other way to read the Order” than as obligating Zayo to transfer funds to the estate. *Id.* at 12. Thus, for these and similar reasons, the Court held Zayo in contempt. *Id.* at 14-15.

3. “[O]verriding considerations of justice” empower the Court award attorneys’

fees to the moving party in a civil contempt proceeding. *Fleischmann Distilling Corp. v. Maier Brewing Co.*, [386 U.S. 714, 718](#) (1967). The reason an award of attorneys' fees is appropriate in a civil contempt proceeding is that civil contempt orders have both a "coercive" and a "remedial" purpose, *Grove v. Meltech, Inc.*, No. 8:20-cv-193, [2021 WL 6884495](#), at *1 n.1 (D. Neb. Jan. 29, 2021), and contempt orders' remedial purpose is advanced by "[r]eimburse[ing]" the moving party for the "expenses reasonably incurred in the prosecution of the contempt proceeding." *Hartman v. Lyng*, [884 F.2d 1103, 1107](#) (8th Cir. 1989). These expenses include attorneys' fees. *Jake's Ltd. v. City of Coates*, [356 F.3d 896, 900](#) (8th Cir. 2004) ("[A]n award of reasonably attorney's fees and expenses incurred by" the party "seeking to enforce the decree is a form of compensatory relief that is well within a district court's remedial discretion in civil contempt proceedings."); *see generally United States v. Abodeely*, [564 F. Supp. 327, 329](#) (N.D. Iowa 1983) (explaining that the court "may exercise its civil contempt power to compensate the injured party for the actions of the contemnor by awarding civil contempt damages, including attorney fees.").

4. "A remedial award of attorney's fees and costs is committed to the sound discretion of the district court." *Hartman*, [884 F.2d at 1107](#). In the Eighth Circuit, attorneys' fees can be awarded without a finding of willful disobedience. *Id.*

5. Accordingly, courts regularly award attorneys' fees to parties like the Bank, who incurred fees in coercing Zayo's compliance with a Court order. *E.g., In re VeroBlue Farms USA, Inc.*, No. AP 19-09015, [2022 WL 1195643](#), at *4 (Bankr. N.D. Iowa Apr. 21, 2022) (Collins, J.) (awarding the attorneys' fees "incurred in attempting to get" compliance with a court order).

6. The Bank therefore requests attorneys' fees in the amount of \$39,107.97. This

amount represents over 100 hours of work necessitated by Zayo's contempt and related conduct. A declaration supporting this fee request, as well as a time and expense report itemizing the services that incurred the fees, are attached as exhibits to this motion.

7. Although the time and expense report fully details the basis for the Bank's fee request, the Bank wishes to emphasize that much of its fees relate to Zayo's objections and litigation decisions pertaining to the Bank's motion to show cause. In Zayo's first objection to the motion, Zayo, without evidence, accused the Bank's attorneys of defrauding Zayo or otherwise fraudulently inducing it to consent to the order it contemned. *See* [Doc. 449](#). This objection was followed by Zayo issuing discovery requests and subpoenas commanding the Bank's attorneys (Mr. Carls and Mr. Lam) to provide deposition testimony to attempt to buttress the baseless fraud accusations. Eventually, Zayo retracted the requests and subpoenas so the parties could informally exchange discovery materials. After further negotiations, Zayo also withdrew its fraud-based objection. [Doc. 464](#). Getting Zayo to make this withdrawal and retraction demanded significant effort, as did defending against Zayo's discovery requests and fraud allegations.

8. Zayo's second objection was based on the doctrine of recoupment. Because the nature of the doctrine required Zayo to argue its obligation to make payments under the Court order arose out of Zayo's contracts with mechanics' lien claimants, the Bank's attorneys had to expend substantial time reading and analyzing those complex and lengthy documents to resist Zayo's second objection. Properly addressing the legal issues also required extensive research of factually pertinent decisions.

9. Beyond the above matters, there were two hearings on the Bank's contempt motion which necessitated argument, exhibit, and related preparations. The Bank submits

that the rates charged, and time spent, in obtaining the contempt order are reasonable.

WHEREFORE, Keystone Savings Bank respectfully requests that the Court award it \$39,107.97 in fees as a remedial award for obtaining the contempt order and grant such other relief as is just under the circumstances.

Dated: October 16, 2024

Respectfully Submitted,

SIMMONS PERRINE MOYER BERGMAN PLC

/s/ Abram V. Carls

Eric W. Lam, AT0004416

Abram V. Carls, AT0011818

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acarls@spmbllaw.com

ATTORNEYS FOR KEYSTONE SAVINGS BANK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 16, 2024, a copy of the foregoing document was filed with the Clerk of Court for the United States Bankruptcy Court for the Northern District of Iowa using the CM/ECF system, and served electronically on those participants that receive service through the CM/ECF System.

/s/ Abram V. Carls

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN RE: BDC GROUP, INC., Debtor.	Case No. 23-00484 DECLARATION SUPPORTING APPLICATION FOR ATTORNEYS' FEES
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I, Abram Carls, state as follows:

1. I am an attorney at Simmons Perrine Moyer Bergman, PLC. My firm represents Keystone Savings Bank ("Bank") in this proceeding.

2. The Bank filed a motion to show cause and ultimately obtained an order finding that Zayo Group, LLC is in contempt of court for failing to comply with the Stipulated Order entered January 24, 2024.

3. In doing so, the Bank incurred fees of \$39,107.97. These fees represent 122.25 hours of work primarily by three attorneys, Eric Lam, Joseph Porter, and myself. The rates for these attorneys and the narrative for each time entry the Bank is requesting a reward of are stated in the time and expense report attached to the motion. Unrelated entries the Bank is not seeking reimbursement for are redacted. In addition to those amounts shown, there are accrued but unbilled fees of \$2,205.00, \$701.79, and \$1,152.00, for myself, Mr. Lam, and Mr. Porter, respectively, for services and advice provided in relation to Zayo's contempt and the completion of the Bank's fee application. These amounts do not appear in the time and expense report due to my firm's billing cycle but are identified in the calculation spreadsheet.

4. I believe that the hourly rates for the individuals who worked on this matter are reasonable and are commensurate with the amounts customarily charged. I also believe that

that the time spent on the motion to contempt and related activities is reasonable and that the work was necessary to achieve the successful result we did.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10/16/2024

Signature: /s/ Abram V. Carls

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<u>Post Date</u>	<u>Status</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>
01/31/2024	Current Period	01/29/2024	1	2024

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2/1/2024	EWL	0.10	0.10	435.00	\$43.50		FOLLOW-UP E-MAIL TO ZAYO ATTORNEY JEFF SEEKING STATUS OF PAYMENT OF \$480,000.

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2/8/2024	AVC	0.30	0.30	285.00	\$85.50		ZAYO - FORWARD MEDIATION INFORMATION TO ATTY. LALLY, ALSO RETRIEVE STATEMENTS PROVIDED BY ATTY. GOETZ IN RESPECT TO MECHANIC'S LIEN DEMANDS THAT WERE WITHDRAWN AS PART OF PROPOSED ORDER ENTRY AND AGREEMENT TO MEDIATE.
2/8/2024	EWL	0.28	0.28	435.00	\$121.80		ATTENTION TO CASE STATUS AFTER MEETING WITH TRUSTEE AND ALSO WITH ATTORNEY LALLY AND ZAYO MONEY NON-TENDER AND MEMO TO FILE RE CASE STATUS AND STRATEGY AND RECEIPT OF E-MAIL FROM CLIENT WITH ACCOUNT BALANCE INFORMATION.
2/14/2024	EWL	0.62	0.62	435.00	\$269.70		ATTENTION TO E-MAIL TRAFFIC AND EXCHANGES WITH ZAYO ATTORNEY JEFF, AND ALSO DISCUSSION BETWEEN BANK PERSONNEL AND RENEE CONCERNING \$480,000 PAYMENT; CONTINUING REFERENCE TO JANUARY 24 ORDER DIRECTING PAYMENTS OF \$480,000 BY ZAYO "UPON ENTRY OF THIS ORDER," AND CONTINUING FOLLOW-UP E-MAIL TO ZAYO ATTORNEY JEFF, AGAIN DEMANDING PAYMENT; FOLLOW-UP E-MAIL TO TRUSTEE ATTORNEY LALLY EXPLAINING THE SITUATION AND REPORTING HISTORY LEADING TO NEGOTIATION OF STIPULATED ORDER; CONTINUING MULTIPLE MEMORANDA TO FILE CONCERNING COLLECTION OF PRE- AND POST-PETITION ACCOUNT RECEIVABLE AND POTENTIAL ZAYO ANGLE AT MEDIATION TAKING ADVANTAGE OF LACK OF KNOWLEDGE ON THE PART OF TRUSTEE.
2/16/2024	AVC	0.50	0.50	285.00	\$142.50		CONTINUED PURSUIT OF ZAYO; REQUEST REPORT FROM TRUSTEE AND COUNSEL ON PROPOSAL RESPONSE AS WELL AS HEARING AND ZAYO STATUS; RESPOND TO DES MOINES LANDLORD COUNSEL; CONFIRM APPLICABILITY OF EQUIPMENT LIQUIDATION AND LIFT STAY; CONSIDER MESSAGE FROM DENNIS ABOUT WP, ASK FOR AUDIENCE FROM TRUSTEE FOR PURPOSES OF UNDERSTANDING EMAIL ACCESSIBILITY AND WIP SUBMISSION.
2/16/2024	EWL	0.28	0.28	435.00	\$121.80		CONTINUING ATTENTION TO ZAYO ATTORNEY JEFF NON-RESPONSE TO INQUIRIES CONCERNING MONEY TENDER AND MEDIATION AND INTERNAL MEMORANDA TO FILE DISCUSSING STRATEGY AND NEED FOR FINAL HEARING ON MOTION TO LIFT STAY.

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2/22/2024	EWL	0.40	0.40	435.00	\$174.00		ATTENTION TO INITIAL DRAFT OF MOTION FOR CONTEMPT DIRECTED AT ZAYO, AND PRELIMINARY REVIEW AND MEMORANDA TO FILE SUGGESTING EDITS AND REFINEMENT AND FOLLOW-UP WITH TRUSTEE AND ALSO SERVICE ON ZAYO PRESIDENT, AND REQUEST FOR EXPEDITED HEARING.	
2/22/2024	AVC	4.60	4.60	285.00	\$1,311.00		ZAYO FORWARD EMAILS CONCERNING ZAYO TO ATTY. LALLY IN RESPONSE TO HER LIMITED STATEMENT OF CONFIDENTIAL SETTLEMENT RECEIPT; RESEARCH AND DRAFT MOTION FOR ORDER TO SHOW CAUSE AND SANCTIONS ON ZAYO; CIRCULATE AND RECEIVE RELATED INPUT AS PART OF FINALIZATION PROCESS.	
2/23/2024	AVC	1.50	1.50	285.00	\$427.50		ZAYO RECEIVE CONFIRMATION FROM TRUSTEE'S COUNSEL WITH RESPECT TO NON-RECEIPT OF FUNDS; EVALUATE WHETHER TO REQUEST SHORTENED NOTICE, AND DRAFT OBJECTION BAR DATE; COMPLETE EXHIBIT SELECTION AND FINALIZE MOTION TO COMPEL, SUBMIT SAME TO COURT.	

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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
3/15/2024	AVC	1.80	1.80	285.00	\$513.00		ZAYO - EVALUATION OF ZAYO'S RESISTANCE REASONS TO CONTEMPT, RELATED SIDE-STEP TO MODIFY ORDER IN EFFORT TO CHANGE STANDARD ON WHICH CONTEMPT MOTION IS JUDGED; CORRESPOND WITH CO-COUNSEL; INTERNAL ACTION TO NOTIFY BOARD OF FRAUD ALLEGATIONS AGAINST MEMBERS; SPEAK WITH CLIENT.
3/15/2024	TSD	0.98	0.98	200.00	\$196.00		REVIEW ZAYO'S OBJECTION TO MOTION FOR CONTEMPT AND ALLEGATIONS OF FRAUD AND FALSE INFORMATION BY ERIC LAM AND ABE CARLS AND POSSIBLE ATTEMPT OF ZAYO TO DISQUALIFY LAM AND CARLS AND ANALYSIS OF ARGUMENTS.
3/15/2024	CKL	0.50	0.50	260.00	\$130.00		RECEIVE AND REVIEW ZAYO'S RESPONSE TO CONTEMPT MOTION AND STRATEGY RELATING TO THE SAME WITH ATTORNEY LAM.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
3/15/2024	EWL	0.20	0.20	435.00	\$87.00		RECEIPT OF OBJECTION FROM ZAYO TO MOTION FOR CONTEMPT AND PRELIMINARY REVIEW.
3/15/2024	EWL	0.38	0.38	435.00	\$165.30		E-MAIL TENDER OF ZAYO OBJECTION AGAINST MOTION TO CONTEMPT TO CLIENTS AND BRIEF FORECAST OF CASE STATUS AND LITIGATION POSTURE AND CONTINUING MULTIPLE INTERNAL MEMORANDA TO FILE DISCUSSING STRATEGY.
3/15/2024	EWL	0.10	0.10	435.00	\$43.50		CONTINUING ATTEMPT TO PROCURE JANUARY HEARINGS AUDIO AND MEMO TO FILE RE SAME.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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3/17/2024	EWL	0.18	0.18	435.00	\$78.30		ATTENTION TO E-MAIL INQUIRY FROM ANDY AND OTHERS CONCERNING POSSIBILITY OF MEETING TO DISCUSS ZAYO SITUATION BEFORE BOARD MEETING.
3/17/2024	EWL	0.20	0.20	435.00	\$87.00		CONTINUING BRIEF ATTENTION TO EVIDENCE TO BE PRESENTED BY ZAYO AT HEARING ON MOTION FOR CONTEMPT AND CASE POSTURE AND STRATEGY AND INTERNAL MEMORANDA TO FILE RE SAME.
3/18/2024	EWL	0.10	0.10	435.00	\$43.50		RECEIPT OF E-MAIL FROM ANDY CONCERNING 2:30 P.M. TEAMS MEETING AND REPLY ACKNOWLEDGING REQUEST AND CALENDARED TIME AND DATE.
3/18/2024	EWL	0.18	0.18	435.00	\$78.30		CONTINUING ATTENTION TO EXHIBIT TENDER AND LOCAL RULE REQUIREMENT, IN THE CONTEXT OF MOTION FOR CONTEMPT AND OBJECTION FROM ZAYO, AND MEMO TO FILE SUGGESTING IN-COURT HEARING AND NOT PHONE HEARING.
3/18/2024	EWL	0.92	0.92	435.00	\$400.20		EXTENSIVE READING AND ANALYSIS OF ZAYO RULE 16 MOTION AS WELL AS OBJECTION AGAINST MOTION FOR CONTEMPT AND CONTINUING PRELIMINARY ARGUMENT CONSTRUCTION.
3/18/2024	EWL	0.80	0.80	435.00	\$348.00		PREPARED FOR AND ATTENDED TEAMS MEETING WITH THREE BANKERS CONCERNING ZAYO OBJECTION AGAINST MOTION TO CONTEMPT AND ATTEMPT TO SET ASIDE ORDER AND CASE POSTURE AND PRELIMINARY ANALYSIS AND APPROACH.
3/18/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL FROM CLERK CONCERNING AUDIO TAPES FROM JANUARY 18 AND JANUARY 30 HEARINGS AND CONTINUING FOLLOW-UP INQUIRY RELATIVE TO ANY TAPE FROM JANUARY 23 OR JANUARY 24 HEARING.
3/18/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF CLERK NOTICE OF TELEPHONIC HEARING ON MOTION TO FOR CONTEMPT AND OBJECTION THERETO AS WELL AS ACCOMPANYING MOTION AND E-MAIL TENDER TO CLIENT RE CASE STATUS AND CALENDARED HEARING DATE.
3/18/2024	EWL	1.72	1.72	435.00	\$748.20		ATTENTION TO INITIAL DRAFT OF REPLY AGAINST OBJECTION FILED BY ZAYO RELATIVE TO MOTION FOR CONTEMPT, AND CONDUCTED CASELAW SEARCH OF EIGHTH CIRCUIT DECISIONS DEALING WITH RULE 60(b)(3) AND 60(d) FRAUD ELEMENTS, AND SUCCESSFUL LOCATION OF CITATIONS, AND CONTINUING WORKED ON AND PRODUCED SECOND REDLINED VERSION OF REPLY, AND CONTINUING MEMO TO FILE COORDINATING FINALIZATION AND HEARING ATTENDANCE.
3/18/2024	CKL	0.30	0.30	260.00	\$78.00		DEVELOP STRATEGY AND RECOMMENDATION TO CLIENT TO RESPOND ZAYO'S ALLEGATIONS RAISED IN ITS RESPONSE TO CONTEMPT MOTION.
3/18/2024	TSD	0.85	0.85	200.00	\$170.00		CONTINUED ANALYSIS OF ZAYO'S ALLEGATIONS AND ARGUMENTS AGAINST ERIC LAM AND ABE CARLS.
3/18/2024	AVC	3.80	3.80	285.00	\$1,083.00		ZAYO - ADDITIONAL REVIEW OF ALLEGATIONS MADE BY ZAYO IN RESPONSE TO MOTION FOR ORDER TO SHOW CAUSE; RETRIEVE EMAIL CORRESPONDENCE WITH ATTY. GOETZ REFUTING CLAIMS MADE; CONFERENCE CALL WITH CLIENT FOR PURPOSES OF EXPLAINING THE SEVERITY OF ZAYO'S CLAIM AS WELL AS THE RECOMMENDED RESPONSIVE ACTION; DRAFT REPLY TO ZAYO'S RESISTANCE, CIRCULATE SAME TO CLIENT AND ATTY. LAM WITH NOTE ON PURPOSES KEPT IN MIND WHILE DRAFTING.

SIMMONS PERRINE MOYER BERGMAN PLC**Time And Expense Details**

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3/19/2024	AVC	0.50	0.50	285.00	\$142.50		ZAYO - FOCUS ON DEVELOPMENTS WITH THE CLERK OF COURT AND HEARING SCHEDULING; EVALUATE COMMENTS TO REPLY BRIEF, CONSIDER SCOPE OF SAME AND BALANCED NEEDS.
3/19/2024	EWL	0.88	0.88	435.00	\$382.80		COMMENCEMENT OF LISTENING TO AND ANALYSIS OF JANUARY 15 AND JANUARY 30 HEARING AUDIO WITH PARTICULAR FOCUS ON DISCLOSURE OF CONVERSION AND PARTIES' ATTEMPT AT NEGOTIATED LIFT STAY ORDER RELATIVE TO ZAYO MOTION TO LIFT STAY, AND MULTIPLE INTERNAL MEMORANDA TO FILE HIGHLIGHTING DISCUSSIONS AND REPRESENTATIONS DURING HEARINGS THAT MAY BE USEFUL IN THE CONTEXT OF MOTION FOR CONTEMPT PENDING AGAINST ZAYO.
3/19/2024	EWL	0.52	0.52	435.00	\$226.20		CONTINUING ATTENTION TO HISTORICAL E-MAIL TRAFFIC FROM JANUARY 29 AND DATES AROUND JANUARY 29 WITH RESPECT TO ZAYO ATTORNEY REQUEST FOR MEDIATION AS WELL AS AGREEMENT TO SEND MONEY TO TRUSTEE RENEE, AND CONTINUING MEMORANDA TO FILE SUGGESTING REFERENCE TO JANUARY 31 AND EARLY FEBRUARY E-MAIL TRAFFIC, IN THE CONTEXT OF PROSECUTING MOTION FOR CONTEMPT.
3/19/2024	EWL	0.38	0.38	435.00	\$165.30		RECEIPT OF E-MAIL TRAFFIC FROM CLERK CONCERNING RE-SCHEDULING OF MARCH 20 HEARING CONCERNING ZAYO CONTEMPT ISSUE AND CONTINUING TELEPHONE CONFERENCE WITH CLERK DISCLOSING BACKGROUND AND SCHEDULE AVAILABILITY AND FOLLOW-UP MEMO TO FILE REPORTING DISCUSSION WITH CLERK.
3/19/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL FROM CLERK SEEKING RESPONSE RELATIVE TO NEW DATES FOR HEARING ON CONTEMPT MOTION, OTHER THAN MARCH 20, AND REPLY E-MAIL REPORTING AVAILABILITY AND ATTENTION TO CONTINUING FOLLOW-UP E-MAIL TRAFFIC FROM GOETZ OFFICE.
3/19/2024	EWL	0.20	0.20	435.00	\$87.00		RECEIPT OF NOTICE FROM CLERK OF MARCH 26 HEARING ON CONTEMPT MOTION AND ZAYO OBJECTION, AND RE-CALENDARED TIME AND DATE OF HEARING, AND E-MAIL TENDER AND STATUS REPORT TO CLIENT.
3/20/2024	AVC	2.10	2.10	285.00	\$598.50		ZAYO - REVISIONS TO REPLY BRIEF AND EXAMINATION OF CORRESPONDENCE RECORD FOR EXHIBIT SELECTION REASONS; PREPARE EXHIBITS.
3/21/2024	AVC	0.60	0.60	285.00	\$171.00		ZAYO - EVALUATE ADDITIONAL FEEDBACK TO REPLY BRIEF; FINALIZE AND FILE SAME.
3/21/2024	JJP	0.70	0.70	240.00	\$168.00		REVIEWING AND PROVIDING INPUT ON REPLY IN SUPPORT OF MOTION FOR CONTEMPT

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3/21/2024	EWL	0.17	0.17	435.00	\$73.95		ATTENTION TO REPLY BRIEF AGAINST ZAYO OBJECTION AGAINST MOTION FOR CONTEMPT AND E-MAIL TENDER TO CLIENT RE CASE STATUS.
3/25/2024	EWL	0.43	0.43	435.00	\$187.05		CONTINUING ATTENTION TO E-MAIL TRAFFIC WITH ZAYO ATTORNEY JEFF CONCERNING MARCH 26 HEARING AND NEED FOR OBJECTION BAR DATE RELATIVE TO ZAYO MOTION, AND CONTINUING STRATEGY FORMULATION AND MULTIPLE INTERNAL MEMORANDA TO FILE COORDINATING FOLLOW-UP RESPONSE, AND EVENTUAL PROCUREMENT OF AGREEMENT FROM ZAYO TO SET OBJECTION BAR DATE IN APRIL.
3/25/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL FROM ZAYO ATTORNEY SEEKING DEPOSITIONS AND ALSO DOCUMENT PRODUCTION.
3/25/2024	EWL	0.38	0.38	435.00	\$165.30		CONTINUING STRATEGY FORMULATION CONCERNING POSSIBILITY OF DISQUALIFICATION AGAINST DICKINSON AND E-MAIL TO AND EXCHANGES WITH TRAVIS AND ANDY SEEKING LIST OF MATTERS HANDLED BY DICKINSON AND PRELIMINARY REVIEW AND CONTINUING STRATEGY FORMULATION WITH PARTICULAR FOCUS ON WAIVER PROBLEM IF MOTION TO DISQUALIFY IS NOT FILED SOON.
3/25/2024	EWL	0.28	0.28	435.00	\$121.80		ATTEMPT TO CALL TRAVIS AND CONTINUING TELEPHONE CONFERENCE WITH ANDY AND DISCUSSED DISQUALIFICATION MOTION FILING AND STRATEGY AND NEED FOR DECISION BEFORE HEARING TOMORROW MORNING.
3/25/2024	EWL	2.38	2.38	435.00	\$1,035.30		CONTINUING REFERENCE TO DOCKET SO AS TO ATTEMPT TO ASCERTAIN INITIAL APPEARANCE BY GOETZ ON BEHALF OF ZAYO AS WELL AS NEWS REPORT OF DICKINSON AND BRADSHAW MERGER AND CONTINUING CONSTRUCTION OF MENTAL OUTLINE OF ARGUMENTS SEEKING DISQUALIFICATION, AND PREPARED PRELIMINARY DRAFT OF MOTION TO DISQUALIFY, INCLUDING LANGUAGE TO THE EFFECT THAT BANK MERELY INTENDS TO PRESERVE ERROR ON APPEAL, AND REFERENCE TO IOWA COURT RULE AND PRODUCED TWO VERSIONS OF MOTION TO DISQUALIFY.
3/25/2024	EWL	0.38	0.38	435.00	\$165.30		CONTINUING PRELIMINARY STRATEGY FORMULATION CONCERNING ZAYO DISCOVERY REQUESTS SUCH AS DOCUMENT PRODUCTION AND DEPOSITION AND CONTINUING INTERNAL MEMORANDA TO FILE DISCUSSING OBJECTIONS AND RANGE OF COUNTER ARGUMENTS.
3/25/2024	JJP	0.35	0.35	240.00	\$84.00		BRIEFLY DETERMINING STANDARD COURT USES TO ASSESS WHETHER A PARTY HAS WAIVED A CLAIM OF CONFLICT OF INTEREST

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3/25/2024	AVC	3.20	3.20	285.00	\$912.00		ZAYO - ADDRESS ISSUES WITH ZAYO'S CONTEMPT-RELATED FILINGS, PARTICULARLY INTERPLAY BETWEEN RULE 60 MOTION SEEKING MODIFICATION OF PROVISIONS THAT ZAYO IS IN CONTEMPT OF AND FAILURE TO ADHERE TO LOCAL RULES AND PROVIDE AN OBJECTION NOTICE; OUTREACH TO ZAYO'S COUNSEL FOR INFORMAITON ON WHETHER IT INTENDS TO COMPLY WITH LOCAL RULES AND PROVIDE AN OBJECTION DATE; EVALUATE CONTENTS OF FILINGS AND RESPONSE OPTIONS, HEARING PREPARATIONS; CONTINUED CORRESPONDENCE FROM ATTY. GOETZ; SURPRISE DEPOSITION NOTICES FROM ATTY. GOETZ; EVALUATE OPTIONS IN RESPONSE TO INCREASING LITIGATION PRESSURE WITHOUT ANY HINT BY ZAYO OF EVIDENTIARY SUPPORT; SPEAK WITH CO-COUNSEL; CALL BANK REPRESENTATIVES WITH RESPECT TO ZAYO DEVELOPMENTS.
3/25/2024	TSD	1.20	1.20	200.00	\$240.00		REVIEW EMAILS FROM JEFFREY GOETZ AND ANALYSIS OF GOETZ'S FAILURE TO ISSUE NOTICE OF MOTION AND ALLEGATIONS BY GOETZ AND POSSIBLE FILING OF MOTION TO DISQUALIFY AND TIMING OF FILING OBJECTION TO GOETZ'S MOTION. REVIEW NOTICES OF DEPOSITION OF ERIC LAM AND ABE CARLS.
3/26/2024	TSD	0.85	0.85	200.00	\$170.00		STRATEGIZE FILING A MOTION TO QUASH DEPOSITION NOTICES AND RESULT OF HEARING AND RESCHEDULING OF HEARING AND COMMUNICATION FROM JORDAN KROOP.
3/26/2024	TSD	1.20	1.20	200.00	\$240.00		EXTENSIVE ANALYSIS AND STRATEGIZE FILING MOTION TO DISQUALIFY AND TIMING OF FILING MOTION TO DISQUALIFY AND POSSIBLE EVIDENCE GOETZ MAY HAVE BUT NOW NEEDS DISCOVERY. REVIEW DRAFT OF MOTION TO DISQUALIFY COUNSEL.
3/26/2024	AVC	5.60	5.60	285.00	\$1,596.00		ZAYO - CONFERENCE CALL WITH BANK REPRESENTATIVES CONCERNING DICKINSON REPRESENTATION AND INFORMATION WITH RESPECT TO DISQUALIFICATION EVALUATION; PREPARE FOR AND ATTEND HEARING ON ZAYO'S CONTEMPT; POST-HEARING DEBRIEF AND STRATEGY CONFERENCE; OUTREACH TO ZAYO'S COUNSEL FOR PURPOSES OF OBTAINING INFORMATION IDENTIFIED BY ZAYO IN SUPPORT OF ALLEGATIONS ALONG WITH REQUEST TO WITHDRAW DISCOVERY; UPDATE TO CLIENT; ATTENTION TO EMAILS FROM ATTY. KROOP, ATTEND EXTENDED TELECONFERENCE LISTENING TO INFORMATION FROM MR. KROOP; LENGTHY MESSAGE FROM TRUSTEE'S COUNSEL IN REGARDS TO ZAYO'S CONTEMPT.
3/26/2024	SJG	1.80	1.80	230.00	\$414.00		DEVELOP STRATEGY FOR MOTION TO QUASH WITH ATTORNEYS PORTER AND CARLS; REVIEW BRIEFING APPLICABLE TO MOTION TO QUASH; REVIEW DISCOVERY THAT WILL BE SUBJECT OF MOTION TO QUASH; REVIEW CASES RE FRAUDULENT INDUCEMENT FROM ATTORNEY LAM
3/26/2024	CKL	0.40	0.40	260.00	\$104.00		ATTENTION TO EMAIL TRAFFIC BETWEEN ATTORNEY LAM AND CLIENT IN REGARD TO ONGOING ACTIONS BY ZAYO; REVIEW AND REVISE MOTION TO DISQUALIFY; CORRESPONDENCE TO ATTORNEY LAM IN REGARD TO THE SAME.

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3/26/2024	JJP	2.60	2.60	240.00	\$624.00		ANALYZING EIGHTH CIRCUIT AND NATIONWIDE LAW REGARDING THE FACTUAL SHOWING OF FRAUD A PARTY MUST MAKE IN A CONTESTED CASE TO OBTAIN DISCOVERY AND BEGINNING TO DRAFTING MOTION FOR PROTECTIVE ORDER
3/26/2024	JJP	0.45	0.45	240.00	\$108.00		PARTICIPATING IN ANALYSIS OF STRATEGY TO QUASH DISCOVERY AND RESPOND TO FRAUD ALLEGATIONS
3/26/2024	EWL	0.97	0.97	435.00	\$421.95		CONTINUING ATTENTION TO AND REFERENCE TO 28 U.S.C. SECTION 1746 AND CONTINUING WORKED ON MOTION TO DISQUALIFY GOETZ AND ATTEMPT TO STATE SIMPLE FACTS AND EDIT DECLARATION FOR BANK PRESIDENT, PREPARATORY TO 7:30 A.M. CALL WITH CLIENT, AND E-MAIL TENDER TO CLIENT PERSONNEL.
3/26/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL REPLY FROM ANDREW CONCERNING DRAFT OF MOTION TO DISQUALIFY AND NAME SPELLING ISSUE AND PREPARED NEW VERSION AND E-MAIL TENDER TO ANDREW.
3/26/2024	EWL	0.13	0.13	435.00	\$56.55		E-MAIL TENDER TO CLIENT OF DEPOSITION NOTICES AND DOCUMENT PRODUCTION REQUESTS FROM ZAYO ISSUED ON MARCH 25.
3/26/2024	EWL	0.10	0.10	435.00	\$43.50		CONTINUING MEMO TO FILE COORDINATING MOTION TO QUASH ZAYO DISCOVERY.
3/26/2024	EWL	0.25	0.25	435.00	\$108.75		CONTINUING REFERENCE TO IOWA COURT RULE CHAPTER 33 WITH PARTICULAR FOCUS ON DEPOSITION SCHEDULING AND OBLIGATION ON ATTORNEY TO CONSULT WITH OTHER SIDE AND MEMO TO FILE SUGGESTING ADDITIONAL ARGUMENTS IN QUASH ATTEMPTS.
3/26/2024	EWL	0.80	0.80	435.00	\$348.00		CONTINUING PREPARATION FOR AND ATTENDED TELEPHONIC HEARING AND WAITED FOR JUDGE COLLINS CONCERNING MOTION FOR CONTEMPT AND MONITORED ARGUMENTS FROM ZAYO ATTORNEY JEFF AND SUCCESSFUL PROCUREMENT OF CONTINUED TELEPHONIC STATUS CALL TO OCCUR ON MARCH 28.
3/26/2024	EWL	0.28	0.28	435.00	\$121.80		POST-HEARING CONTINUING STRATEGY FORMULATION RELATIVE TO MOTION TO QUASH AND TACTIC OF FOCUS AND RESEARCH NEEDS, AND ATTENTION TO FOLLOW-UP E-MAIL TO JEFF SEEKING WITHDRAWAL OF DISCOVERY REQUESTS AS WELL AS TENDER OF DOCUMENTS, ETC. MENTIONED IN FOOTNOTE 1.
3/26/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL FROM AND EXCHANGES WITH ZAYO NEW YORK ATTORNEY JORDAN CONCERNING TELEPHONIC MEETING POSSIBILITY AND CALENDARED TELEPHONIC MEETING.
3/26/2024	EWL	1.22	1.22	435.00	\$530.70		PREPARED FOR AND ATTENDED LENGTHY TELEPHONIC MEETING WITH ZAYO ATTORNEY JORDAN IN NEW YORK AND DISCUSSED CASE POSTURE AND SETTLEMENT POSSIBILITIES AND RANGE OF ARGUMENTS AS WELL AS AMOUNTS IN DISPUTE.

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3/26/2024	EWL	0.30	0.30	435.00	\$130.50		CONTINUING BRIEF ATTENTION TO RECOUPMENT CASELAW AND SUCCESSFUL LOCATION OF AMERICAN CENTRAL AIRLINES DECISION FROM IOWA AND MEMO TO FILE CONTINUING TO COORDINATE ARGUMENT PRESENTATION AND EFFECT OF PAYMENT RESULTING IN WAIVER OF RECOUPMENT CLAIM.
3/26/2024	EWL	0.28	0.28	435.00	\$121.80		ATTENTION TO HEARING RESULT AND PREPARED PRELIMINARY DRAFT OF MEMO TO FILE CONFIRMING EARLY MORNING MEETING WITH CLIENTS, HEARING WITH JUDGE COLLINS, AND ALSO TELEPHONIC DISCUSSION WITH ZAYO ATTORNEY FROM NEW YORK CITY.
3/26/2024	EWL	0.30	0.30	435.00	\$130.50		EXTENSIVE E-MAIL REPORT CONCERNING STATUS TO CLIENT AFTER HEARING WITH JUDGE COLLINS AND AFTER TELEPHONIC MEETING WITH ZAYO NEW YORK ATTORNEY JORDAN CONCERNING CASE STATUS.
3/26/2024	EWL	0.08	0.08	435.00	\$34.80		FOLLOW-UP E-MAIL TO ATTORNEY JORDAN OF ZAYO IN NEW YORK CITY AFTER TELEPHONIC MEETING.
3/26/2024	EWL	0.40	0.40	435.00	\$174.00		CONTINUING BRIEF ATTENTION TO IOWA AND FEDERAL CASELAW DEALING WITH FRAUD IN INDUCEMENT AND SUCCESSFUL LOCATION OF CITATIONS AND MEMO TO FILE RE SAME.
3/27/2024	EWL	0.48	0.48	435.00	\$208.80		RECEIPT OF E-MAIL FROM ZAYO ATTORNEY JORDAN AS WELL AS TRUSTEE ATTORNEY CONCERNING SETTLEMENT POSSIBILITY AND EXTENSIVE STRATEGY FORMULATION AND DETAILED REPLY E-MAIL DISCUSSING CASE STATUS AND NEED TO WITHDRAW DISCOVERY REQUESTS.
3/27/2024	EWL	0.28	0.28	435.00	\$121.80		CONTINUING ATTENTION TO E-MAIL FROM AND EXCHANGES WITH ZAYO ATTORNEY JORDAN AND SUCCESSFUL PROCUREMENT OF TABLING PENDING DISCOVERY REQUESTS, IN LIGHT OF CONTINUING NEGOTIATION, AND REPLY E-MAIL SUGGESTING POSSIBILITY OF MEDIATION AND MEDIATOR.
3/27/2024	EWL	0.30	0.30	435.00	\$130.50		E-MAIL REPORT TO CLIENT CONCERNING LATEST DEVELOPMENT AND RECOMMENDATION OF MEDIATION AND CONTINUING EXCHANGES RELATIVE TO EFFICACY OF MEDIATED RESULT, AS OPPOSED TO LITIGATED AND APPEALED RESULT, AND NEED FOR INSTRUCTION.

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3/27/2024	EWL	0.20	0.20	435.00	\$87.00		RECEIPT OF E-MAIL MESSAGES FROM DOUG AND FROM TRAVIS CONCERNING MEDIATION ATTENDANCE AVAILABILITY.
3/27/2024	EWL	0.30	0.30	435.00	\$130.50		ATTENTION TO CONTINUING E-MAIL TRAFFIC WITH ZAYO AND TRUSTEE ATTORNEYS CONCERNING ACCOUNTING AND TRUSTEE PARTICIPATION IN MEDIATION, AND ATTENTION TO CONTINUING FOLLOW-UP E-MAIL EXCHANGES SEEKING DOCUMENTS AND MATERIALS SUPPORTING FRAUD CLAIM ASSERTED BY ZAYO.
3/27/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL FROM ZAYO ATTORNEY JORDAN TO TRUSTEE WITH PARTIAL LANGUAGE FROM RELEASE AGREEMENT WITH ZAYO AND MEMO TO FILE RE STATUS AND STRATEGY.
3/27/2024	EWL	0.38	0.38	435.00	\$165.30		CONTINUING ATTENTION TO SETTLEMENT EFFICACY AND STRENGTHS OF LITIGATION APPROACH AND MULTIPLE INTERNAL MEMORANDA TO FILE.
3/27/2024	JJP	0.30	0.30	240.00	\$72.00		ANALYZING APPLICABLE LAW TO SUPPORT PROPOSITION THAT RECOUPMENT IS A DEFENSE NOT A CLAIM
3/27/2024	SJG	0.40	0.40	230.00	\$92.00		RECEIPT AND REVIEW OF EMAIL CORRESPONDENCE RE SETTLEMENT NEGOTIATIONS; ANALYZE MOTION TO QUASH ARGUMENTS; DEVELOP STRATEGY RE MOTION TO QUASH WITH ATTORNEY PORTER
3/27/2024	AVC	2.40	2.40	285.00	\$684.00		ZAYO - SUBSTANTIAL CORRESPONDENCE FROM ZAYO COUNSEL AND COUNSEL FOR THE TRUSTEE; PURSUE ZAYO'S ATTORNEYS FOR DISCLOSURE OF FRAUD CLAIMS. CONSIDER RESPONSE WHICH WAS LIMITED TO UNSPECIFIED EMAILS AND TESTIMONY ATTRIBUTED TO OPPOSING COUNSEL.
3/27/2024	TSD	0.95	0.95	200.00	\$190.00		CONTINUING ATTENTION TO COMMUNICATIONS WITH JORDAN KROOP AND POSITION OF BANK AND POSTURE AND MOVING FORWARD WITH MEDIATION OR HEARING AND OUTSTANDING DISCOVERY.
3/28/2024	EWL	0.17	0.17	435.00	\$73.95		CONTINUING ATTENTION TO EFFICACY OF MEDIATION AND MEMO TO FILE RE SAME, CONCERNING ZAYO ISSSE AND NEW YORK ATTORNEY ROLE,
3/28/2024	AVC	3.10	3.10	285.00	\$883.50		ZAYO - CONFERENCE CALL WITH CLIENT REPRESENTATIVES AND ATTY. LAM CONCERNING PROPOSALS MADE BY ZAYO AND HEARING; PREPARE FOR AND ATTEND HEARING ON CONTEMPT MOTION; POST-HEARING CALL WITH BANK REPRESENTATIVES ABOUT SAME; ATTENTION TO EMAIL FROM CLERK'S OFFICE AND RELATED CORRESPONDENCE ON SCHEDULING; PICK UP THE PHONE TO CALL ATTY. KROOP FOR PURPOSES OF HEARING SCHEDULING AND PLAN TO MINIMIZE ISSUES; CONFIRM DISCOVERY DOCUMENT WITHDRAWAL; ADDRESS EMAILS FROM ATTY. LAM IN RESPECT TO HIS RESEARCH AND BRIEFING OUTLINE.
3/28/2024	EWL	0.38	0.38	435.00	\$165.30		CONTINUING BRIEF ATTENTION TO RECOUPMENT THEORY AND POSSIBILITY OF ARGUMENT THAT COURT ORDER EXTINGUISHES RIGHT OF RECOUPMENT AND BRIEF ATTENTION TO CASELAW AND CONTINUING MEMO TO FILE.

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3/28/2024	EWL	0.52	0.52	435.00	\$226.20		CONTINUING BRIEF ATTENTION TO AND PREPARATION FOR AND ATTENDED TEAMS MEETING WITH CLIENT PERSONNEL AND DISCUSSED CASE STATUS AND MEDIATION OFFER AND CONTINUING REFERENCE TO E-MAIL TRAFFIC FROM ZAYO ATTORNEY JORDAN YESTERDAY AND E-MAIL TENDER TO TEAM.
3/28/2024	EWL	0.92	0.92	435.00	\$400.20		CONTINUING PREPARATION FOR AND ATTENDED HEARING WITH JUDGE COLLINS AT 10:00 A.M. THIS MORNING ON THE PHONE DEALING WITH CONTEMPT MOTION AND ATTENTION TO ARGUMENTS AND REPRESENTATION OF ZAYO ATTORNEY INCLUDING WITHDRAWAL OF OBJECTION AND RULE 60 MOTION, AND EVENTUAL HEARING HOPEFULLY WITH RESPECT TO ONLY RECOUPMENT ISSUE.
3/28/2024	EWL	0.23	0.23	435.00	\$100.05		CONTINUING STRATEGY FORMULATION CONCERNING POTENTIAL ARGUMENTS AND LEADS AND MEMORANDA TO FILE RE SAME.
3/28/2024	EWL	0.25	0.25	435.00	\$108.75		ATTENTION TO POST-HEARING THINGS TO DO SUCH AS NEED TO OBTAIN CONFIRMATION OF NO NEED TO RESPOND TO DEPOSITION NOTICES AND DOCUMENT PRODUCTION REQUESTS, AS WELL AS MOTION TO SEAL OBJECTION AND RULE 60 MOTION AND MEMO TO FILE RE SAME.
3/28/2024	EWL	0.23	0.23	435.00	\$100.05		ATTENTION TO AND RECEIPT OF E-MAIL FROM CLERK SEEKING HEARING AVAILABILITY IN APRIL AND FOLLOW-UP E-MAIL RESPONSE FROM ZAYO ATTORNEY IN NEW YORK, AND REPLY E-MAIL TO CLERK REPORTING AVAILABILITY, AND ATTENTION TO EVENTUAL E-MAIL TRAFFIC CONFIRMING NO NEED FOR EVIDENTIARY HEARING.
3/28/2024	EWL	0.68	0.68	435.00	\$295.80		CONTINUING REFERENCE TO CONTRACT BETWEEN ZAYO AND BDC WITH PARTICULAR FOCUS ON SETOFF AND INDEMNITY PROVISIONS AS WELL AS COLORADO LAW GOVERNING TRANSACTION AND CONTINUING MULTIPLE INTERNAL MEMORANDA TO FILE IDENTIFYING ISSUES AND PROVISIONS FROM CONTRACT THAT MAY ESTABLISH RIGHT OF SETOFF, AND POTENTIAL IMPACT OF COURT ORDER.
3/28/2024	EWL	0.18	0.18	435.00	\$78.30		ATTENTION TO E-MAIL TRAFFIC WITH ZAYO NEW YORK ATTORNEY JORDAN CONCERNING WITHDRAWAL OF DISCOVERY AND MEMO TO FILE RE SAME.
3/28/2024	EWL	0.32	0.32	435.00	\$139.20		CONTINUING ATTENTION TO ZAYO NEW YORK ATTORNEY WITHDRAWALS OF OBJECTION AGAINST CONTEMPT MOTION AND RULE 60 MOTION AND E-MAIL TENDER TO CLIENT AND TENDERED EXTENSIVE REPORT OF CASE POSTURE AND RECENT DEVELOPMENTS AND UPCOMING BRIEFING IN APRIL.
3/29/2024	EWL	0.17	0.17	435.00	\$73.95		ATTENTION TO E-MAIL FROM TRUSTEE ATTORNEY CONCERNING CASE POSTURE AND ACCOUNT RECEIVABLE DEAL PROPOSAL AND APRIL HEARING AVAILABILITY.
3/29/2024	EWL	0.17	0.17	435.00	\$73.95		RECEIPT OF E-MAIL FROM CLERK CONCERNING PHONE HEARING IN LATE JUNE AND SCHEDULING AND AVAILABILITY AND FOLLOW-UP E-MAIL TRAFFIC FROM ZAYO AND TRUSTEE ATTORNEYS, AND REPLY E-MAIL TO CLERK.
3/29/2024	AVC	0.20	0.20	285.00	\$57.00		ZAYO - REVIEW EMAILS BETWEEN COUNSEL AND THE BANKRUPTCY CLERK'S OFFICE CONCERNING HEARING SCHEDULING, REPLY TO CONFIRM DATES.
4/1/2024	EWL	0.23	0.23	435.00	\$100.05		RECEIPT OF NOTICE OF MAY 2 HEARING ON THE TELEPHONE WITH RESPECT TO MOTION FOR CONTEMPT AND CALENDARED HEARING DATE AND MEMO TO FILE COORDINATING BRIEF FILING AND HEARING ATTENDANCE.

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4/2/2024	EWL	0.10	0.10	435.00	\$43.50		FOLLOW-UP E-MAIL INQUIRY TO TRUSTEE ATTORNEYS CONCERNING STATUS OF ZAYO APRIL 1 PAYMENT TO TRUSTEE.
4/3/2024	EWL	0.20	0.20	435.00	\$87.00		FOLLOW-UP E-MAIL TO TRUSTEE ATTORNEY AGAIN SEEKING INFORMATION CONCERNING ZAYO APRIL 1 PAYMENT AND RECEIPT OF REPLY E-MAIL FROM TRUSTEE CONCERNING GLITCH OF WIRE TRANSFER LOGISTICS.
4/3/2024	EWL	0.40	0.40	435.00	\$174.00		CONTINUING BRIEF ATTENTION TO \$173,000 DISPUTED INVOICES IN THIRD CATEGORY IN CONSENT ORDER AND POSSIBILITY AND PARAMETERS OF POTENTIAL DEAL RELATIVE TO SECOND PILE OF FUNDS IN DISPUTE, IN LIGHT OF \$243,000 AMOUNT AND COST-BENEFIT ANALYSIS, AND NEED TO INQUIRE TODD OF FACTUAL BACKGROUND OF \$173,000 "DISPUTED" INVOICES AND E-MAIL ANALYSIS AND SUGGESTION TO CLIENT.
4/4/2024	EWL	0.18	0.18	435.00	\$78.30		RECEIPT OF E-MAIL REPORT FROM TRUSTEE CONCERNING ZAYO WIRE MONEY TENDER STATUS AND RESPONSIVE E-MAIL TO TRUSTEE SEEKING CONFIRMATION OF DOLLAR AMOUNT.
4/4/2024	EWL	0.42	0.42	435.00	\$182.70		RECEIPT OF TEXT INQUIRY FROM TRUSTEE CONCERNING ORIGIN OF \$305,000 WIRE TO BE EXPECTED FROM ZAYO, AND PREPARED EXTENSIVE REPLY E-MAIL TO TRUSTEE, DISCUSSING JANUARY CONSENT ORDER AND SPECIFIC THREE PILES OF MONEY PURSUANT TO PARAGRAPHS 3 THROUGH 5 OF ORDER, AND BRIEF OUTLINE OF ZAYO ARGUMENTS AND BANK'S APPROACH.
4/5/2024	AVC	0.50	0.50	315.00	\$157.50		ZAYO - ATTENTION TO UNFILED RESISTANCE ISSUE; PROVIDE UPDATE TO CLIENT ON ZAYO; EMAIL TO ATTY. KROOP CONCERNING STATUS OF ZAYO'S RESISTANCE BRIEF AND IMPACT ON REPLY TIMING.

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4/8/2024	EWL	0.08	0.08	435.00	\$34.80		ATTENTION TO E-MAIL TRAFFIC AND INQUIRY TO TRUSTEE SEEKING CONFIRMATION OF \$305,000 WIRE RECEIPT FROM ZAYO.
4/8/2024	AVC	0.20	0.20	315.00	\$63.00		ZAYO - ATTENTION TO PAYMENT INFORMATION FROM TRUSTEE; OUTREACH TO ATTY. KROOP CONCERNING LIFT STAY TO APPLY FUNDS; RELATED UPDATE TO TRUSTEE.
4/9/2024	EWL	0.10	0.10	435.00	\$43.50		RECEIPT OF E-MAIL INQUIRY FROM CREDITOR TO TRUSTEE AFTER SECTION 341 MEETING, AND FOLLOW-UP E-MAIL TO RENEE AGAIN SEEKING CONFIRMATION OF \$305,000 RECEIPT FROM ZAYO.
4/9/2024	EWL	0.28	0.28	435.00	\$121.80		RECEIPT OF E-MAIL FROM TRUSTEE ATTORNEY REPORTING TRUSTEE RECEIPT OF ONLY \$237,000 AND BRIEF STRATEGY FORMULATION RE HOW TO DEAL WITH ZAYO; E-MAIL TO TRUSTEE ATTORNEY ACKNOWLEDGING INFORMATION RECEIPT.
4/9/2024	EWL	0.10	0.10	435.00	\$43.50		E-MAIL TO CLERK SEEKING MARCH 28 TELEPHONIC HEARING AUDIO TRANSCRIPT.
4/10/2024	EWL	0.42	0.42	435.00	\$182.70		RECEIPT OF E-MAIL FROM CLERK WITH MARCH 20 HEARING AUDIO AND PRELIMINARY REVIEW WITH PARTICULAR FOCUS ON REPRESENTATION FROM ZAYO ATTORNEY FROM NEW YORK, RELATIVE TO MONEYS TO BE PAID AND CREDITED TO ESTATE.
4/10/2024	EWL	0.20	0.20	435.00	\$87.00		FOLLOW-UP E-MAIL TO ZAYO NEW YORK ATTORNEY SEEKING RELEASE OF \$68,000 CREDIT AMOUNT IN THIRD BUCKET.
4/10/2024	EWL	0.38	0.38	435.00	\$165.30		EXTENSIVE E-MAIL REPORT TO CLIENT TEAM CONCERNING RENEE RECEIPT OF \$237,000 AND CASE AND ARGUMENT AND MAY HEARING POSTURE AND ALSO ATTEMPT TO SHAKE LOOSE \$68,000 FROM ZAYO NEW YORK ATTORNEY, AND DISCUSSING APPROACH AND STRATEGY AND NEED TO CONTACT TODD OR DENNIS CONCERNING TWO DISPUTED INVOICES.
4/11/2024	EWL	0.23	0.23	435.00	\$100.05		CONTINUING ATTENTION TO ZAYO POSTURE RELATIVE TO MONEYS HELD BY TRUSTEE, AND CONTINUING INTERNAL MEMORANDA TO FILE SUGGESTING FILING MOTION TO LIFT STAY AND ABSENCE OF ANY REALISTIC COUNTER ARGUMENTS FROM TRUSTEE.

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Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task	Activity	Narrative
4/11/2024	AVC	0.20	0.20	315.00	\$63.00		ZAYO - REVIEW PRIOR EMAIL FROM ZAYO'S COUNSEL CONCERNING NON-OBJECTION TO PROPOSED LIFT STAY ORDER FOR \$237,000 TRANSFER, REQUEST FOR DATE ZAYO INTENDED TO FILE BRIEF ON CONTEMPT ISSUE; CONSIDERATION OF RELATED ISSUES.
4/12/2024	AVC	0.20	0.20	315.00	\$63.00		ZAYO - ATTENTION TO COMPLICAITONS POSED BY ZAYO'S COMMUNICATIONS AND DELY IN PROVIDING ITS SUPPLEMENTAL RESISTANCE TO MOTION FOR ORDER TO SHOW CAUSE AND SANCTIONS.
4/12/2024	AVC	0.40	0.40	315.00	\$126.00		DRAFT ORDER TO LIFT STAY ON ZAYO'S APRIL WIRE PAYMENT, SEND SAME TO TRUSTEE'S COUNSEL WITH REQUEST FOR CONSENT AND UPDATE ON SETTLEMENT PROPOSAL MADE.
4/12/2024	EWL	0.22	0.22	435.00	\$95.70		RECEIPT OF E-MAIL FROM ZAYO ATTORNEY IN NEW YORK CONCERNING STATUS OF CONSIDERATION OF \$68,000 IMMEDIATE RELEASE AND CREDIT, AND REPLY E-MAIL ACKNOWLEDGING INFORMATION, AND CONTINUING MEMORANDA TO FILE SUGGESTING STATUS CALL WITH JUDGE CONCERNING MOTION TO LIFT STAY.
4/12/2024	EWL	0.25	0.25	435.00	\$108.75		RECEIPT OF E-MAIL FROM ZAYO ATTORNEY IN NEW YORK REFUSING TO PAY \$68,000 FROM BUCKET #3 AND CONTINUING STRATEGY FORMULATION AND MEMO TO FILE SUGGESTING ARGUMENT RELATIVE TO BUCKET #1, AND E-MAIL COPY TENDER TO CLIENT.
4/12/2024	EWL	0.38	0.38	435.00	\$165.30		CONTINUING ATTENTION TO RECOUPMENT AND SETOFF ARGUMENTS AND ZAYO/BDC CONTRACT PROVISIONS AND MEMORANDA TO FILE SUGGESTING ARGUMENTS AND REFERENCE TO AMERICAN CENTRAL DECISION DEALING WITH RECOUPMENT, AND DISTINCTION BETWEEN TWO-PARTY DISPUTE, AS OPPOSED TO THREE-PARTY DISPUTE.
4/15/2024	AVC	0.40	0.40	315.00	\$126.00		PHONE CALL WITH TRAVIS CONCERNING OUTSTANDING ISSUES; PURSUE UPDATE FROM TRUSTEE'S COUNSEL (TIME DISCOUNTED).
4/15/2024	AVC	0.10	0.10	315.00	\$31.50		ZAYO - REVIEW COMMUNICATION FROM ZAYO'S COUNSEL CONCERNING RESISTANCE BRIEF STATUS.
4/16/2024	AVC	0.30	0.30	315.00	\$94.50		PROCESS UPDATE FROM TRUSTEE, PARTICULAR CONSIDERATION TO ADDITIONAL INFORMATION REQUESTED; RELATED EMAILS WITH CLIENT.
4/17/2024	EWL	0.30	0.30	447.00	\$134.10		RECEIPT OF ZAYO AMENDED BRIEF CONCERNING VARIOUS PAYMENT OBLIGATIONS, AND PRELIMINARY REVIEW AND E-MAIL TENDER AND STATUS REPORT TO CLIENTS, AND CONTINUING COORDINATION OF REPLY BRIEF PREPARATION AND FILING BEFORE HEARING.
4/17/2024	AVC	2.60	2.60	315.00	\$819.00		ZAYO - ANALYZE ZAYO'S RESISTANCE TO CONTEMPT AND AUTHORITIES THEREIN, PARTICULAR FOCUS ON WHETHER ZAYO PROVIDED ANY AUTHORITY THAT RECOUPMENT COULD BE UTILIZED AS A DEFENSE TO CONTEMPT OR IN COMPLIANCE WITH AN ORDER; ORGANIZE PRELIMINARY OUTLINE ON POTENTIAL REPLY, AND RELATED EVALUATION OF NEEDED DOCUMENTS FOR RECORD; OUTREACH TO ATTY. KROOP REQUESTING REPLY SUBMISSION APPROVAL AND FOR DOCUMENTS.

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4/24/2024	JJP	2.90	2.90	240.00	\$696.00		ZAYO: ANALYZING RECOUPMENT CASELAW AND SECONDARY SOURCES REGARDING APPLICABILITY OF RECOUPMENT TO COURT ORDERS, TO SETTLEMENT AGREEMENTS, THE SCOPE OF A TRANSACTION WHEN A PRIOR OBLIGATION IS INTEGRATED INTO A SETTLEMENT AGREEMENT, WHETHER RECOUPMENT IS WAIVED WHEN A PARTY SETTLES; ANALYZING EMAILS AND OTHER DISCOVERY MATERIALS TO SUPPORT REPLY
4/24/2024	JJP	3.10	3.10	240.00	\$744.00		ZAYO: CONTINUING TO ANALYZE CASE LAW RE RECOUPMENT AND SETOFF IN CONSTRUCTION CONTRACT SITUATIONS AND CREATING OUTLINE OF CASES, HOLDINGS, AND BASES FOR DISTINCTION
4/24/2024	AVC	0.60	0.60	315.00	\$189.00		ZAYO - REVIEW STATUS OF PRODUCTION REQUESTS, MESSAGE ATTY. KROOP FOR UPDATE AND CONFIRMATION OF SAME; READ EMAILS AND OTHER DOCUMENTS PRODUCED BY ZAYO, SPECIFIC FOCUS ON INFORMATION TO IDENTIFY AS EXHIBIT AND USE IN REPLY TO ZAYO'S OBJECTION.
4/24/2024	EWL	0.18	0.18	447.00	\$80.46		RECEIPT OF MULTIPLE E-MAIL TRAFFIC FROM ZAYO ATTORNEY JORDAN CONCERNING GUIDEWELL AND TRUSTEE E-MAIL COMMUNICATION AND ALSO PAYMENTS FROM ZAYO AND MEMO TO FILE RE STATUS.
4/25/2024	JJP	6.10	6.10	240.00	\$1,464.00		ZAYO: THOROUGHLY ANALYZING BDC'S CONTRACT WITH ZAYO WITH SPECIAL FOCUS ON INDEMNITY/MECHANICS' LIEN CLAUSES, ANALYZING AND CLOSELY ANALYZING CASELAW IN ZAYO'S BRIEF REGARDING RECOUPMENT IN MECHANICS' LIEN CONTEXTS
4/26/2024	AVC	5.90	5.90	315.00	\$1,858.50		ZAYO - SIGNIFICANT REVISIONS TO REPLY BRIEF, ASSOCIATED EXHIBIT PREPARATION AND FILING.
4/26/2024	EWL	0.18	0.18	447.00	\$80.46		ATTENTION TO REPLY BRIEF RELATIVE TO CONTEMPT MOTION AND COORDINATION OF COPY SHARING WITH CLIENT.
4/29/2024	AVC	0.20	0.20	315.00	\$63.00		ZAYO - REQUEST OPPOSING COUNSEL CONFIRM POSITION ON EXHIBITS AS PREVIOUSLY DISCUSSED, AND WHETHER ANY OBJECTIONS EXISTED TO BANK EXHIBITS FILED.

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ATTENTION TO STATUS OF ZAYO CONTEMPT MATTERS.

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The diagram illustrates a hierarchical or organizational structure. It is composed of several main sections separated by horizontal lines. The top section features a long horizontal bar with several smaller blocks positioned above it. The middle section contains a large, light gray rectangular area, which appears to be a central workspace or a large block, with several smaller blocks arranged around it. The bottom section shows a series of blocks arranged in a grid-like pattern, possibly representing a data table or a structured list. The diagram is rendered in grayscale, using black lines and gray blocks to define the structure.

Service

Provider	Hours	Amounts	Rate
EWL	0.18	\$78.30	\$435.00
EWL	0.23	\$100.05	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.25	\$108.75	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.28	\$121.80	\$435.00
EWL	0.13	\$56.55	\$435.00
AVC	0.3	\$85.50	\$285.00
EWL	0.28	\$121.80	\$435.00
EWL	0.62	\$269.70	\$435.00
AVC	0.5	\$142.50	\$285.00
EWL	0.28	\$121.80	\$435.00
EWL	0.4	\$174.00	\$435.00
AVC	4.6	\$1,311.00	\$285.00
AVC	1.5	\$427.50	\$285.00
EWL	0.2	\$87.00	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.32	\$139.20	\$435.00
EWL	0.08	\$34.80	\$435.00
AVC	1.8	\$513.00	\$285.00
TSD	0.98	\$196.00	\$200.00
CKL	0.5	\$130.00	\$260.00
EWL	0.38	\$165.30	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.2	\$87.00	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.92	\$400.20	\$435.00
EWL	0.8	\$348.00	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	1.72	\$748.20	\$435.00
CKL	0.3	\$78.00	\$260.00
TSD	0.85	\$170.00	\$200.00
AVC	3.8	\$1,083.00	\$285.00
AVC	0.5	\$142.50	\$285.00
EWL	0.88	\$382.80	\$435.00
EWL	0.52	\$226.20	\$435.00
EWL	0.38	\$165.30	\$435.00
EWL	0.18	\$78.30	\$435.00

EWL	0.2	\$87.00	\$435.00
AVC	2.1	\$598.50	\$285.00
AVC	0.6	\$171.00	\$285.00
JJP	0.7	\$168.00	\$240.00
EWL	0.17	\$73.95	\$435.00
EWL	0.43	\$187.50	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.38	\$165.30	\$435.00
EWL	0.28	\$121.80	\$435.00
EWL	2.38	\$1,035.30	\$435.00
EWL	0.38	\$165.30	\$435.00
JJP	0.35	\$84.00	\$240.00
AVC	3.2	\$912.00	\$285.00
TSD	1.2	\$240.00	\$200.00
TSD	0.85	\$170.00	\$200.00
TSD	1.2	\$240.00	\$200.00
AVC	5.6	\$1,596.00	\$285.00
SJG	1.8	\$414.00	\$230.00
CKL	0.4	\$104.00	\$260.00
JJP	2.6	\$624.00	\$240.00
JJP	0.45	\$108.00	\$240.00
EWL	0.97	\$421.95	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.13	\$56.55	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.25	\$108.75	\$435.00
EWL	0.8	\$348.00	\$435.00
EWL	0.28	\$121.80	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	1.22	\$530.70	\$435.00
EWL	0.3	\$130.50	\$435.00
EWL	0.28	\$121.80	\$435.00
EWL	0.3	\$130.50	\$435.00
EWL	0.08	\$34.80	\$435.00
EWL	0.4	\$174.00	\$435.00
EWL	0.48	\$208.00	\$435.00
EWL	0.28	\$121.80	\$435.00
EWL	0.3	\$130.50	\$435.00
EWL	0.2	\$87.00	\$435.00
EWL	0.3	\$130.50	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.38	\$165.30	\$435.00
JJP	0.3	\$72.00	\$240.00
SJG	0.4	\$92.00	\$230.00

AVC	2.4	\$684.00	\$285.00
TSD	0.95	\$190.00	\$200.00
EWL	0.17	\$73.95	\$435.00
AVC	3.1	\$883.50	\$285.00
EWL	0.38	\$165.30	\$435.00
EWL	0.52	\$226.20	\$435.00
EWL	0.92	\$400.20	\$435.00
EWL	0.23	\$100.05	\$435.00
EWL	0.25	\$108.75	\$435.00
EWL	0.23	\$100.05	\$435.00
EWL	0.68	\$295.80	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.32	\$139.20	\$435.00
EWL	0.17	\$73.95	\$435.00
EWL	0.17	\$73.95	\$435.00
AVC	0.2	\$57.00	\$285.00
EWL	0.23	\$100.05	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.2	\$87.00	\$435.00
EWL	0.18	\$78.30	\$435.00
EWL	0.42	\$182.70	\$435.00
AVC	0.5	\$157.50	\$315.00
EWL	0.08	\$34.80	\$435.00
AVC	0.2	\$63.00	\$315.00
EWL	0.1	\$43.50	\$435.00
EWL	0.28	\$121.80	\$435.00
EWL	0.1	\$43.50	\$435.00
EWL	0.42	\$182.70	\$435.00
EWL	0.2	\$87.00	\$435.00
EWL	0.38	\$165.30	\$435.00
EWL	0.23	\$100.05	\$435.00
AVC	0.2	\$63.00	\$315.00
AVC	0.2	\$63.00	\$315.00
AVC	0.4	\$126.00	\$315.00
EWL	0.22	\$95.70	\$435.00
EWL	0.25	\$108.75	\$435.00
EWL	0.38	\$165.30	\$435.00
AVC	0.4	\$126.00	\$315.00
AVC	0.1	\$31.50	\$315.00
AVC	0.3	\$94.50	\$315.00
EWL	0.3	\$134.10	\$447.00
AVC	2.6	\$819.00	\$315.00
AVC	0.4	\$126.00	\$315.00
EWL	0.42	\$187.74	\$447.00

EWL	0.18	\$80.46	\$447.00
EWL	0.28	\$125.16	\$447.00
EWL	0.17	\$75.99	\$447.00
EWL	0.18	\$80.46	\$447.00
AVC	0.2	\$63.00	\$315.00
JJP	0.7	\$168.00	\$240.00
JJP	3.1	\$744.00	\$240.00
JJP	2.9	\$696.00	\$240.00
JJP	3.1	\$744.00	\$240.00
AVC	0.6	\$189.00	\$315.00
EWL	0.18	\$80.46	\$447.00
JJP	6.1	\$1,464.00	\$240.00
AVC	5.9	\$1,858.50	\$315.00
EWL	0.18	\$80.46	\$447.00
AVC	0.2	\$63.00	\$315.00
EWL	0.32	\$143.04	\$447.00
EWL	0.25	\$111.75	\$447.00
EWL	0.8	\$357.60	\$447.00
AVC	1.2	\$378.00	\$315.00
AVC	1.4	\$441.00	\$315.00
EWL	0.18	\$80.46	\$447.00
AVC	0.1	\$31.50	\$315.00
AVC	3.6	\$1,134.00	\$315.00
EWL	0.1	\$44.70	\$447.00
EWL	0.38	\$169.86	\$447.00
EWL	0.18	\$80.46	\$447.00
AVC	0.2	\$63.00	\$315.00
EWL	0.91	\$406.77	\$447.00
JJP	4.8	\$1,152.00	\$240.00
AVC	3.2	\$1,008.00	\$315.00
<hr/>			
Total:	122.25	\$39,107.97	

	Hours	Amounts
JJP time:	25.1	\$6,024.00
AVC time:	52.1	\$15,505.50
EWL time:	35.62	\$15,554.47
CKL time:	1.2	\$312.00
TSD time:	6.03	\$1,206.00
SJG time:	2.2	\$506.00